

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL SHAVERS,

Plaintiff,

File No. 2:07-cv-105

v.

HON. ROBERT HOLMES BELL

KENNETH MCKEE, et al.,

Defendants.

OPINION

On September 20, 2010, this Court executed an order approving and adopting the Report and Recommendation of Magistrate Judge Timothy P. Greeley in this matter and granting the defendants' motions for summary judgment. (Dkt. No. 190.) Since then, Plaintiff has filed a number of motions which essentially amount to a motion for reconsideration.

Plaintiff's motions in Docket Nos. 191 and 197 are motions for reconsideration on grounds that Plaintiff failed to include pages 9-21 of his objection to the Magistrate's Report and Recommendation in his initial filing. Plaintiff includes these pages in his motions and through them attempts to resurrect issues already decided by the Court.

"Generally . . . motions for reconsideration which merely present the same issues ruled upon by the Court shall not be granted. The movant shall not only demonstrate a palpable defect . . . but also show that a different disposition of the case must result from a correction

thereof.” LCivR 7.4. Plaintiff cannot meet this standard. Plaintiff admits that the omission of these pages in his initial objection was his own error. This is not the kind of palpable defect which requires reconsideration. Furthermore, having examined the arguments embedded in Plaintiff’s motions, there is no showing that the disposition of this case would be altered in a reconsideration of Plaintiff’s expanded objection.

In Docket No. 212, Plaintiff again moves for reconsideration, this time on grounds that he disagrees with the Court’s disposition of his claims. That is not a valid objection, and Plaintiff merely reiterates positions already considered by the Court. The motions for reconsideration will be denied.

Plaintiff also requests an extension of time to file notice of appeal on grounds that the court clerk mistakenly sent the wrong materials in lieu of the Court’s September 20 order. (Dkt. Nos. 206, 210, 219.) These motions are moot, as Plaintiff’s motions for reconsideration reset the deadline for an appeal to thirty days from the entrance of this order under Fed. R. App. P. 4(a)(4). As Plaintiff has already filed a notice of appeal in advance of this Court’s disposition of his motions to reconsider, his already filed notice of appeal will become effective upon the issuance of this order. *Id.*; (Dkt. No. 218.) An order consistent with this opinion will be entered.

Dated: November 18, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE